



Appeal Decision

Site visit made on 3 March 2026

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 20th April 2026

Appeal Ref: APP/U2750/W/25/3377065

Lodge Farm, Lordship Lane, Wistow, Selby YO8 3RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Robert Daniels against the decision of North Yorkshire Council.
 - The application reference is ZG2025/0488/ATD.
 - The development proposed is conversion of agricultural barn to form 1no. residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The prior approval application was submitted to North Yorkshire Council before the end of the transitional period associated with amendments to Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Although the GPDO was amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (SI 2024/579), transitional provisions apply where an application for prior approval was made before the relevant cut-off date. In these circumstances, and as agreed by both main parties, I have considered the appeal against the provisions of Class Q as they stood prior to the 2024 amendments. References in this decision to the GPDO and to Class Q are therefore to the pre-amendment version of the Order.
3. The Council's decision notice states that prior approval is required but does not expressly state that prior approval is refused. However, the application was made under Article 3(1) of the GPDO for a determination as to whether the proposed development would be permitted by Schedule 2, Part 3, Class Q. Read as a whole, including the stated reason and the accompanying notification of appeal rights, the decision clearly records the Council's conclusion that the proposal does not benefit from permitted development rights. I therefore consider the decision to amount to a refusal of prior approval on the basis that the development would not be permitted development under Class Q.

Main Issue

4. The main issue is whether or not the proposed development would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

5. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order, together with any building operations reasonably necessary to convert the building. Paragraph Q.1 of Class Q sets out circumstances in which development is not permitted, including where the prior use of the building is such that the permitted development right does not arise.
6. There is agreement between the main parties that all the relevant limitations are met with the exception of Q.1(a). This, in summary, sets out that development is not permitted if the site was not used solely for an agricultural use as part of an established agricultural unit – (i) on 20 March 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a site which was brought into use after 20 March, for a period of at least 10 years before the date development under Class Q begins.
7. The evidence before me, including what I observed during my site visit, indicates that the appeal building has and is being used for agricultural purposes and has and is being used in connection with equine-related activity. This includes, the storage of a horse transporter and equestrian jumps, among other equine-related items, and the stabling of a horse for a period of time.
8. Consequently, the issue in relation to the requirements of Q.1(a) is whether or not the evidence is sufficient to demonstrate that the level of non-agricultural use, namely equine use, was and is at such a low level that the building should be considered to have been in solely agricultural use.
9. It is accepted by both parties that, for a period, part of the building was used in connection with equine activity, including the stabling of a horse and the storage of equestrian equipment. The appellant describes this activity as temporary and informal. However, no substantive evidence has been provided to clearly demonstrate the duration of the stabling, beyond the general assertion that it occurred “between permanent stables”. In the absence of any indication as to how long the horse was accommodated within the building, I am unable to conclude that the use was genuinely short-term or transitory.
10. Nor am I persuaded by the information available that the equine use can properly be described as informal. Although no permanent internal alterations were made to facilitate the stabling of a horse, the functional use of the building to support equine activity is not dependent on physical adaptation alone. At my site visit, the horse transporter and equestrian jumps were present and stored within the building in a deliberate and organised manner. These items are not typically stored on an ad-hoc or incidental basis, and their presence appear to indicate a degree of ongoing and purposeful equine-related use rather than casual or fleeting activity. This view is supported by the information in the Planning Report that the officer when they visited the site at that time witnessed it being used for storing equine equipment such as jumping obstacles.

11. At my site visit, I observed that the vehicles, machinery and stored items occupied a reasonable proportion of the floor area of the barn. Once allowance is made for the circulation and manoeuvring space required, the remaining space for other purposes is limited. On that basis, the non-agricultural activity could not reasonably be characterised as limited to a negligible proportion of the building.
12. The storage of specialist equestrian equipment potentially over an extended period could point to an ongoing equine-related function associated with the building. Taken together with the acknowledged stabling of a horse for an undefined period, I find that the equine activity cannot, on the evidence before me, be discounted from the considerations that it appears to have formed a use of the building. In these circumstances, I cannot be satisfied that the building was solely in agricultural use for the purposes of Class Q.
13. Accordingly, the evidence is not sufficient for me to conclude that the building has and is solely in agricultural use for the purposes of the relevant section of the GPDO. In these circumstances, the permitted development right under Class Q does not arise, and the proposal does not benefit from permitted development rights.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

C Mayes

INSPECTOR